

**CITY COUNCIL MEETING
CITY OF WATERTOWN
October 6, 2008
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER, JR.
COUNCIL MEMBER PETER L. CLOUGH
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ALSO PRESENT: **PLANNING & COMMUNITY DEVELOPMENT
COORDINATOR KENNETH MIX
CITY ATTORNEY ROBERT J. SLYE**

City Manager Corriveau presented the following reports to the Council:

- 1 - Approving the “Understanding the New York State Agriculture Districts Program” Workshop on October 14, 2008 as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials Training Requirement
- 2 - Authorizing the Sale of Bicycles and Miscellaneous Items At Public Auction
- 3 - Accepting Bid for Fire Hydrants and Fire Hydrant Parts –Blair Supply
- 4 - Accepting Bid for Variable Message Board – Walter S. Pratt & Sons, Inc.
- 5 - Agreement with Maxim Health Systems
- 6 - Approving Change Order No. 1 and Extending the Contract with B-S Industrial Contractors, Inc., for the Black River Parks Project
- 7 - Authorizing Lease Agreement, City of Fulton, 1986 E-One Fire Pumper
- 8 - **LAI D O V E R U N D E R T H E R U L E S** – Authorizing the Issuance of \$180,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay Additional Costs of Reconstruction of State Street Between Public Square and Eastern Boulevard, In and For Said City
- 9 - Update, Cosgrove/Iroquois Avenue Sewers
- 10 - 318 Academy Street

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of September 15, 2008 was dispensed with and accepted as written by motion of Council Member Clough, seconded by Council Member Smith and carried with all voting in favor thereof.

C O M M U N I C A T I O N S

Minutes were received from the library's board meeting.

ABOVE PLACED ON FILE

From the Italian American Civic Association inviting the Mayor and Council Members to the annual Columbus Day Ceremony held in front of City Hall at Noon on Monday, October 13th.

ABOVE PLACED ON FILE

The following claims against the City were received:

1. From Steven Savage for damage to his vehicle when he had an accident in Public Square.
2. From Verizon for damage to cable and conduit at the intersection of Mullin and Sherman Streets.

ABOVE REFERRED TO THE BOARD OF AUDIT

PRIVILEGE OF THE FLOOR

Bart Bonner, Brookside Drive, addressed the chair regarding a ticket that he received as he came into the City via the Washington Street hill. He questioned why the City was trying to extort money from people coming down that hill instead of ticketing people speeding on State Street. He stated that this left a bad taste in his mouth and he feels that the Police Department's primary concern should be stopping crime.

Ed Cox, 102 Franklin Street, addressed the chair commending the Citibus staff. He questioned why the bus employees have to clean the snow from the bus transfer sites and asked why the DPW crews couldn't do it.

R E S O L U T I O N S

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the New York State Chapter 662 of the Laws of 2006, which took effect on January 1, 2007, requires all municipal planning and zoning officials to have four hours of training per year, and

WHEREAS the training must be approved by the City Council before it can be used to meet the new training requirement, and

WHEREAS the Jefferson County Agricultural and Farmland Protection Board, the Jefferson County Agricultural Development Corporation, the Jefferson County Department of Planning, and the NYS Tug Hill Commission are co-sponsoring a training session on "Understanding the New York State Agriculture Districts Program" for local planning officials on October 14, 2008 from 5:00 p.m. to 7:00 p.m. at Jefferson Community College,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that the “Understanding the New York State Agriculture Districts Program” workshop is approved to provide two hours of training toward meeting the New York State Municipal Planning and Zoning Officials training requirement.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City of Watertown Police Department has acquired a number of abandoned bicycles and miscellaneous items, the listing of which is attached and made a part of this resolution, and

WHEREAS these bicycles and miscellaneous items have some value best determined by public auction,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the sale, by auction, of abandoned bicycles and miscellaneous items, and to further declare all bids final and sales complete while said auction is conducted, and

BE IT FURTHER RESOLVED that final acceptance of such bids shall constitute acceptance of the same by the City Council.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Council Member Butler remarked that this auction should be held later in the day or on a Saturday to allow for more people to attend.

City Comptroller James Mills explained that the 10 a.m. time has been the historical time that the event has been held. He also explained that to hold in on Saturday would just increase overtime.

Council Member Butler responded that his concern is that the early time is prohibiting residents from buying as many could not leave work at that time.

Council Member Clough remarked that we have discussed this on other occasions. However, the revenue brought in from the auction wouldn't be enough to cover overtime.

Mr. Mills explained that the public is given about ½ hour to view the bikes and then the auction takes about two hours. He also stated that it is advertised in the paper and is posted on the web page. He explained that to hold it on a Saturday would create overtime and usually the auction only makes about \$100.

Council Members Clough and Butler suggested donating them all to charity.

Attorney Slye advised that the City, under State law, can not donate the bikes. They have to be auctioned.

Council Member Burns agreed that the low turn out is probably because it is on Wednesday morning. She asked if the public could have other times to view the bikes.

Mr. Mills stated that he would have to check with the Police Department since that is where the bikes are kept.

Mayor Graham remarked that any time that is chosen would disenfranchise someone who is working.

Mr. Mills suggested around 3 p.m. and said that he would work with the Police Department to come up with something.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City Purchasing Department, in conjunction with the Water Department, has advertised and received sealed bids for the purchase of new and unused fire hydrants and fire hydrant parts, per City specifications, and

WHEREAS invitations to bid were issued to three (3) prospective bidders with three (3) bids being received and publicly opened and read in the City Purchasing Department on Tuesday, September 23, 2008, at 11 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver and Water Superintendent Gary Pilon reviewed the bids received and it is their recommendation that the City accept the bid submitted by Blair Supply, 22320 Teal Drive, Watertown, New York, in the amount of \$16,140.89,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accept the bid submitted by Blair Supply, 22320 Teal Drive, Watertown, New York, in the amount of \$16,140.89, for the purchase of new and unused fire hydrants and fire hydrant parts, per City specifications.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City Purchasing Department, on behalf of the Department of Public Works, has advertised and received sealed bids for the purchase of one new and unused message board, with the option to purchase a second message board, per City specifications, and

WHEREAS invitations to bid were issued to three (3) prospective bidders with two (2) bids being received and publicly opened and read in the City Purchasing Department on Thursday, August 21, 2008, at 11 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver, based on product demonstration and product inspection, is recommending that the City Council accept the bid submitted by Walter S. Pratt & Sons, Inc. 317 Columbia Street, Rensselaer, New York for two Solar Tech's model MB 3LR 1548 message boards, for a combined total of \$27,372.00, which represents the lowest qualifying bid meeting City specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid submitted by Walter S. Pratt & Sons, Inc., 327 Columbia Street, Rensselaer, New York 12144, in the amount of \$27,372.00 total, for the purchase of two Solar Tech's model MB 3LR1548 message boards, meeting City specifications.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Mr. Mix explained that the City already has possession of them as they were put in place for the demonstrations.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS Jefferson County Public Health is no longer holding special clinics for large groups, in order to administer flu shots, and

WHEREAS Maxim Health Systems, LLC, 7221 Lee Deforest Drive, Columbia MD wishes to enter into an Agreement with the City of Watertown to provide this service at a cost of \$30.00 per person, a copy of which Agreement and Rider is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement with Maxim Health Services to provide flu shots to employees and retirees of the City of Watertown, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Agreement and Rider on behalf of the City.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BUTLER VOTING NAY

Prior to the vote on the foregoing resolution, Council Member Butler stated that it was not up to the City to subsidize the employee's healthcare by offering this.

Council Member Clough explained that it is a preventative measure. By offering flu shots, employees are not off sick as much.

Council Member Smith remarked that Kinney Drugs is holding clinics and he thinks they are cheaper than this amount.

Mayor Graham remarked that if Council votes against this, they would be cutting a program.

Mr. Mills explained that the funds for this come from the general fund, but could come from the insurance fund.

Mr. Mix explained that this has always been offered in an effort to keep our employees healthy.

Council Member Smith remarked that he sees the benefit of the shot. However, he would like to know what the larger flu clinic prices are.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS on March 17, 2008, the City Council of the City of Watertown approved a bid submitted by B-S Industrial Contractors Inc., of Gouverneur, New York, in the amount of \$523,686 for the construction of the Black River Parks Project, and

WHEREAS in connection with that project, City Planning and Community Development Coordinator Kenneth A. Mix has submitted the attached Change Order No. 1 for consideration by the City Council, and

WHEREAS the change order results in a change in the project scope only and no increase to the overall project cost, and

WHEREAS B-S Industrial Contractors Inc. has requested a contract time extension from September 30, 2008 to December 3, 2008 due to delays in obtaining materials for the project,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to the contract with B-S Industrial Contractors Inc., associated with the construction of the Black River Parks Project, copies of which are attached and made of part of this resolution, and

BE IT FURTHER RESOLVED that a contract time extension is approved from a contract ending date of September 30, 2008 to December 3, 2008, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City of Watertown owns a certain 1986 E-One fire pumper, which has been declared as “surplus” and is scheduled to be sold over the internet or at the next vehicle auction, and

WHEREAS the City of Fulton has an emergency need for a fire pumper due to a casualty to its existing equipment, and

WHEREAS the City of Fulton desires to lease from the City of Watertown and the City of Watertown desires to lease to the City of Fulton its surplus fire pumper for the purposes of ameliorating Fulton’s emergency situation, and

WHEREAS an Agreement was prepared by City Attorney Robert J. Slye, establishing the conditions of said lease, a copy of which is attached and made a part of this resolution, and

WHEREAS on Wednesday, September 24, 2008, City Manager Mary M. Corriveau executed said Lease Agreement on behalf of the City of Watertown, with the verbal approval of the City Council,

NOW THEREFORE BE IT RESOLVED that the City Council ratifies the City Manager’s execution of the Agreement with the City of Fulton to lease the City’s surplus 1986 E-One pumper.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Council Member Smith asked if this was going to be serviced before it was returned to us.

Attorney Slye explained that he isn’t sure of the shape that it was in, when it left. He knew that it started, it ran and the pumper worked. When it comes back, it’s going to auction.

Mayor Gaham commented that while he will vote yes on the resolution, he feels that when equipment is deemed surplus, it should be moved along and not held for a particular auction. He also remarked that usually if this is given out for use, the expectation would be that it would be a rental.

Council Member Butler remarked that when something is deemed surplus, we shouldn’t wait 7 months for an auction. It could be placed on the internet instead.

ORDINANCES

THE ORDINANCE “AUTHORIZING THE ISSUANCE OF \$180,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK TO PAY ADDITIONAL COSTS OF RECONSTRUCTION OF STATE STREET BETWEEN PUBLIC SQUARE AND EASTERN BOULEVARD IN AND FOR SAID CITY WAS PRESENTED TO COUNCIL (Introduced on September 15, 2008; laid over under the rules; appears in its entirety on page 210 of the 2008 Minutes Book).

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

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COUNCIL MEMBERS DISCUSSED THE FOLLOWING TOPICS:

Murals

Council Member Burns remarked that while she is pleased with how the mural turned out, she feels that Council should have a right to regulate what is viewed from the public right of way. She remarked that there is nothing in the City Code to regulate murals and in the future, Council needs to make sure that these murals keep to the theme of what the City wants to depict. She asked that the City Attorney and Planning Board look into this and have a Code amendment drawn up for Council to consider. This would not ban murals, but would protect the public interest. She commented that the City does regulate signage already.

Mr. Mix suggested that a work session would be a good place for a discussion on this to occur. He explained that they have been very careful with the sign ordinance in an effort to regulate size, but not content. He stated that to regulate what is appropriate art would be best dealt with in a work session.

Gazebo on Public Square

Council Member Burns remarked that she was under the impression that the gazebo would be put on the cement pad. She remarked that the City Manager had said that there was a memo to Council in March 2006 that stated it was removed from the streetscape project. Council Member Burns said that she hadn't seen the memo, but felt that the gazebo would be reminiscent of the one that was there in the 1800's.

Mayor Graham commented that he thought everyone envisioned a gazebo on the Public Square. He remarked that he doesn't remember any memo or discussion about removing the gazebo from the project.

Council Members Clough and Smith also remarked that they don't remember a memo or discussion.

Mayor Graham remarked that a gazebo could be purchased for less than \$20,000.

Council Member Burns advised that a business in Philadelphia, NY had contacted her about bidding on a gazebo and assured her that they could provide one for closer to a quarter of what the \$20,000 quote had been.

Motion was made by Council Member Burns to authorize the purchase of an appropriate Gazebo for Public Square as long as it does not exceed \$10,000.

Motion was seconded by Council Member Smith and carried with all voting yea except Council Members Butler and Clough voting nay.

Prior to the vote on the foregoing motion, Council Member Butler remarked that the City has already spent enough. The gazebo should be done through fund raising efforts and volunteers. He commented that with the financial uncertainty that lies ahead, the gazebo should be put on hold.

Council Member Clough asked if there was a willingness in the community to take up a fund raising effort.

Council Member Burns remarked that there is always a willingness in the community. However, there are several capital campaigns going on now for other community projects. She also questioned volunteers working on projects on City property.

Mayor Graham remarked that while there are probably people in the community who would pay for this, the truth is that the gazebo was envisioned as part of the Public Square project. He stated that the gazebo is no different than the lights or the fountain.

Council Member Burns remarked that she wouldn't spearhead a fundraising campaign for it because she never saw any indication that it wasn't going to be included. She advised that she was made aware that it wasn't going to be erected there by some downtown merchants. She questioned why the cement pad was placed there if the gazebo wasn't going to be put on it.

Letter from Daniel Stern

Council Member Burns referred to a letter from Daniel Stern, Executive Director of JRC. (This letter is not on file in the Office of the City Clerk). She remarked that the City took Gaffney Drive to make it a City owned street and the City should address the concerns expressed in Mr. Stern's letter concerning storm water run-off and drainage. She referred to a memo from Mrs. Corriveau (Not on file in the Office of the City Clerk) which addresses these concerns and the fact that the City will continue to monitor the situation.

Mr. Mix explained that he hadn't seen either the letter or the memo. However, a lot of the water that comes down Faichney Drive originates up at Home Depot and then the large flow comes across Gaffney Drive. However, it is not caused by Gaffney Drive.

Discussion was held relative to any new development going next to JRC on the vacant land owned by them. It was explained that any development would require a site plan which then would require a plan for dealing with the drainage issue.

Council Member Burns remarked that sometimes we are so intent on thinking about potential development, that we forget about the already developed properties. She stated that we aren't acting as good stewards of a community when we are dumping all that water onto a property.

Council Member Butler commented that we don't know enough about this to make a decision at this time.

Cosgrove Report

Council Member Butler asked that this report be discussed at the next work session.

Cost Savings

Council Member Clough commented that with the way the economy is, Council needs to give more direction to the City Manager as far as talking to all department heads for cost savings measures. He also commented that if someone retires, he would like Council to ask the City Manager to give them a report as to why the position needs to be filled at this time.

Mayor Graham remarked that while he is not adverse to having reports of pending vacancies, he does question the need to have an affirmative vote from Council before Mrs. Corriveau can hire for a position that has already been put in the approved budget.

Council Member Butler agreed stating that doing what Council Member Clough suggests would change Council's role.

Council Member Clough remarked that Council owes it to the people to spend the money wisely.

Council Member Smith suggested that Council should relook at the large equipment purchases in the capital budget.

Mr. Mix advised Council that staff has already met with Mrs. Corriveau and looked into cutting items from the current budget.

EXECUTIVE SESSION

MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO MOVE INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION.

MOTION WAS SECONDED BY COUNCIL MEMBER CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Council moved into Executive Session at 8:05 p.m.

Council reconvened at 8:32 p.m.

ADJOURNMENT

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:32 P.M.
BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL
MEMBER BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Donna M. Dutton
City Clerk